



IN REPLY REFER TO:
Environmental Services

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169



JUN 7 6 2004

Board of Clark County Commissioners
Craig Pridemore, Betty Sue Morris and Judie Stanton
1300 Franklin Street
Post Office Box 5000
Vancouver, Washington 98666

RECEIVED

JUN 16 2004

Board of Commissioners

Honorable Board Members:

In response to your letters of request for a "...realistic set of assumptions about the use of the entire site..." we provide you the following information:

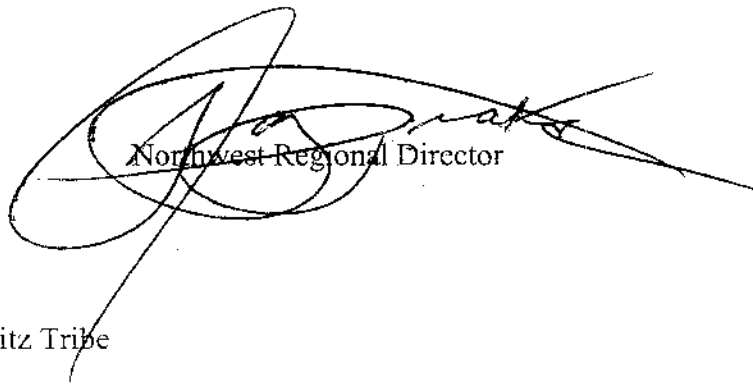
1. The Cowlitz Tribe (the Tribe) states that, at this time, they do not have a comprehensive site plan, nor do they have a set of assumptions about the entire site.
2. It is not unusual for a Tribe to acquire a tract of land and request trust status without an overall plan for the entire parcel.
3. From your request for a more detailed development plan; I conclude that there may be a misconception about the nature of lands held in trust for an Indian tribe. The Tribe would be subject to all applicable federal statutes, e.g., Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, National Environmental Policy Act (NEPA), and many others. In addition, on page 25 of the Environmental Assessment (EA) it states that "...the Tribe would act consistently with the terms of the MOU."
4. The proposal before Bureau of Indian Affairs (BIA) is the fee-to-trust conveyance of 151.87 acres, with the assumption of a casino to be built on approximately 7 acres. The BIA determined that the environmental analysis document must include gaming as a potential use. If the BIA selected the proposed action in this EA and completed a fee-to-trust conversion, all future federal actions, e.g., approving a lease, providing funding, or building a road, would be required to comply with all applicable federal statutes. This means that if the Tribe's proposed casino was approved at a conceptual level, the final plan and construction would be the subject of another environmental analysis and additional public scrutiny.
5. Lands held in Trust for an Indian tribe are also subject to other Federal agencies with regulatory and advisory roles. The Environmental Protection Agency (EPA), for example, has enforcement authority for hazardous materials and hazardous waste on reservations. EPA also has jurisdictional responsibility for Air Quality. United States Fish & Wildlife has Endangered

**RECEIVED BY
ALL COMMISSIONERS**

Species Act authority. The United States Army Corps of Engineers retains authority over any filling and development of wetlands and discharges into navigable waters.

In summary, we plan to honor your request for information to the extent feasible. We cannot provide information which the Cowlitz Tribe states they have not developed. When the Tribe proposes development plans for a casino and/or other construction, with any federal connection, additional NEPA documents and public involvement will be required.

Sincerely,



Northwest Regional Director

cc: John Barnett, Chairman, Cowlitz Tribe
Greg Argel, Realty Officer